

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-20395

ROBERT CORTEZ BURRELL,

Defendants.

ORDER RESERVING RULING ON DEFENDANT’S MOTION IN LIMINE

Defendant Robert Cortez Burrell has moved to exclude various prior acts and *res gestae* evidence proposed by the government from being introduced at trial. (ECF No. 42.). The government has filed a response. (ECF No. 48.) Having reviewed the briefings, the court is inclined to agree with the government that the proffered evidence is likely relevant to the *res gestae* of the matter. However, at this stage of the case, with trial approaching in about a week, the court will reserve its ruling on the motion and deal with the evidentiary issues therein if and when they arise at trial. *See United States v. Howell*, 17 F.4th 673, 682 (6th Cir. 2021) (“Nothing precludes a district judge from reserving an in limine ruling.”); *United States v. Luce*, 713 F. 2d 1236 (6th Cir. 1983) (“A ruling on a motion *in limine* is [] essentially an advisory opinion by the trial court. . . It is well established that the court need not rule on a motion *in limine*.”) (citing cases); *Sperberg v. Goodyear Tire & Rubber Co.*, 519 F.2d 708, 712 (6th Cir. 1975) (“Orders in limine which exclude broad categories of evidence should rarely be employed. A better practice is to deal with questions of admissibility of evidence as they arise.”). This will also give the parties a better opportunity to develop the record and their arguments.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 28, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 28, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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